

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

vs.

STEPHANIE HEAD,

Defendant.

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Docket No. **08-CR-20213-DT-02**

The Honorable Lawrence P. Zatkoff

Filed: November 18, 2008

Defense Counsel (Appointed)

Assistant U.S. Attorney

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DEFENDANT STEPHANIE HEAD'S SENTENCING MEMORANDUM

On Thursday, November 20, 2008, Stephanie head will appear before this Honorable Court to be sentenced to Distribution of Child Pornography, a Class C Felony, 18 U.S.C. § 2252A(a)(2). Ms. Head pleaded guilty to this offense on July 10, 2008 and pursuant to a written Rule 11 Plea Agreement entered a plea of guilty to Count 3. The plea was accepted and the Rule 11 Plea Agreement was taken under advisement by the Court.

A pre-sentence report has been prepared and forwarded to the Court. The probation department calculated a Total Offense Level of 35 and a Criminal History Category IV resulting in a Guideline Range of 235 to 240 months.

Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the sentence of imprisonment in this case may not exceed the top of the sentencing guideline range as determined in Paragraph 2B, (135 to 168 months).

Stephanie Head, age 23, was born on December 9, 1985 in Ypsilanti, Michigan. Her mother was addicted to narcotics and her parental rights were terminated while Stephanie Head was five years of age.

DISCUSSION

The question to be answered by this Court in sentencing Stephanie Head is, "What is sufficient but greater than necessary to punish the offense by this Defendant?"

A reasonable sentence is what directs the courts to render looking at the elements of sentencing. United States v. Booker, 543 U.S. 220, 125 S. Ct 738, 160 L. Ed. 2d 621 (2005). The violation of the law must be punished. The sentence guideline pursuant to Rule 11 Agreement provide for a range of 135 to 168 months. However, a reasonable sentence need not be a guideline sentence. The sentence need only be sufficient to accomplish the function of sentencing.

In light of United States v. Booker, 543 U.S. 220, 125 S. Ct 738, 160 L. Ed. 2d 621 (2005), which made the Sentencing Guidelines advisory rather than mandatory, it is well within the sentencing court's purview to consider the disparity of sentences that may result from certain programs and plea bargaining policies of various judicial districts within the United States.

Stephanie Head did not know her biological mother nor father. Her birth name is unknown. She was adopted in 1990. In 1996 her adopted mother passed away and Stephanie Head was, once again, abandoned.

As a child, Stephanie Head was placed in a home environment where she was physically and mentally abused. She was denied food and clothing and assaulted by her foster mother. She was placed back into foster care at age 15 and became a state ward. She was placed in several foster care facilities, and at age 17 years old ran away.

Positively speaking, Ms. Head, who never had a nurturing environment nor proper education, did receive her G.E.D. Certificate on May 1, 2007.

In many respects it is a testament of human spirit that Stephanie Head survived as a result of her childhood. Stephanie Head did not come from a nurturing, loving home environment which taught her values and self esteem. She did not have a mother nor a father nor siblings that she could rely upon for support and guidance. She is a product of society's failed foster care system; a product of society's failed educational systems. Stephanie Head did not have many opportunities.

Although her criminal history is extensive it is indicative of a life of prostitution. Ms Head is too a victim. She has engaged in prostitution since age 16 to support herself. She had no skills, no place to live and no means to support herself. She was volleyed from one to the next abusive relationships with men who have exploited, demeaned and manipulated her. Stephanie Head has essentially her entire life, including her childhood, fended for herself. She "survived" as best as she could, which led her to encounters with the police.

Given her upbringing, the lack of guidance as a child, the early abandonment by her parents, the failed foster care homes and the other problems that she has dealt with, her young life is an indicator of the bad choices that she has made in involving herself in the instant matter.

This is a serious offense in this action and the sentencing of Stephanie Head to prison may make that clear. In fact, punishment will take place and the sentence may deter others. The public

will be protected while Ms. Head is in custody and hopefully she will receive an opportunity for educational programs, professional training and mental health counseling so that she is stable and employable.

Ms Head has begun the process of integrating herself into society by proffering information to the government about her crime and about other matters of which she has knowledge. She was at all times truthful and candid with this information to the government. These actions on her part are a first. This cooperation with authorities rather than fighting them is a first step toward becoming a responsible adult and a good citizen. It is not a step that she has ever previously taken. It is a significant, important, and a defining moment for her. By so doing, Ms. Head has provided highly significant and useful assistance to the Government's investigation.

It would appear that a prison sentence is this Court's only option. The question is: what is a sufficient sentence, but not one greater than necessary? Does she need to be "maxed out" to accomplish the directives of 18 U.S.C. § 3553(a)? In weighing the above relevant factors, it would seem not. The advisory sentencing guidelines are significant and high.

CONCLUSION

The Defendant asks this Honorable Court to render a sentence that is sufficient but not greater than necessary to punish her for the crimes she has committed. Stephanie Head has accepted responsibility for her acts. She asks that the Court be lenient in adjudicating her facts. Perhaps now and because of her maturing age and directions, Stephanie Head will be able to turn over a new leaf.

It is hoped that the sentence imposed will allow her to re-enter society and take up a decent and law abiding life.

Respectfully submitted,

/s/ KATHY L. HENRY

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Dated: **November 18, 2008**

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CERTIFICATE OF SERVICE

This is to certify that on the 18th day of November 2008, a copy of **Defendant Stephanie Head's Sentencing Memorandum** has been sent via ECF electronic mail to counsel of record in this matter.

Respectfully submitted,

/s/ KATHY L. HENRY

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